From Fear of Freedom to Freedom from Fear:
Toleration Theology in *Dignitatis Humanae*

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Introductory Summary

Dignitatis Humanae - The DECLARATION ON THE RIGHT OF PERSONS AND COMMUNITIES TO SOCIAL AND CIVIL LIBERTY IN RELIGIOUS MATTERS is one of the shortest of the sixteen documents that comprise the 'canon' of the Second Vatican Council, 1962-65. Variously hailed as 'a decisive document in the history of humanity' (Hünermann, 2006: 451) or the 'ruin of the Church' (Lefebvre in O'Malley, 2008: 217), the principles enshrined therein polarized opinion at the Council and led, fairly directly, to schism, albeit on a limited scale. Even today, the document remains something of a 'hot potato', for reasons this paper will attempt to explore. Either explicitly or implicitly, this short document takes a stance on truth, freedom, religion, politics, salvation – even the integrity of God - which rightly gives it an importance way beyond its word count. To explore the matter, this short paper will first offer a summary of the document in its immediate context before presenting background perspectives from antecedent biblical and ecclesial tradition and foreground perspectives from more recent pontifical pronouncements. This diachronic-Tarantino approach, aims to show that the tensions in the text are perennial and are to be expected, since they are rooted in a Divine-Human paradox. In essence, *Dignitatis Humanae* is controversial because it is about a fundamental God-given dignity of human beings: the right to be wrong.

The Document in Proximate Context

Like almost all the documents of Vatican II, *Dignitatis Humanae* had a troubled gestation. Issued on 7th December, 1965, the last working day of the Council, the essential message of the eventual text was that 'Religious liberty is a good thing.' To a contemporary reader, this might seem like a worrying case of 'stating the obvious' (expletive removed). However, the reason this was seen as dangerous novelty in some quarters was that for much of its history, and in particular since the French Revolution, the teaching office of the Church had emphasized that untrammelled liberty in religious matters inevitably led to error, inevitably led to sin and inevitably imperilled the eternal salvation of souls. The solicitude of the Church, her responsibility as mother, her self-understanding as teacher, mentor, herald and guardian eschewed a passive *laissez faire* response. Crystallized into a slogan, this translated as 'error has no rights.' Crystallized into an organization, this was manifest and active as the Inquisition (later renamed 'the Holy Office). Crystallized into action *(sic),* it involved banning certain books, banning certain theologians and banning Catholics from membership of certain organizations.

By the 1960's however, there was a serious global problem with such a stance - Communism. As an all-encompassing ideology, the meta-narrative of Marxism, particularly as interpreted by Lenin, Stalin and Mao, identified religion and religious practice as counter-revolutionary to which the only logical response was eradication. This mirrored version of atheistic inquisition bruised the Church badly and caused her immense suffering – so what was to be done? Now it is a glaring anomaly that the Conciliar documents do not make explicit mention of Communism, since, through the ages, far less direct attacks upon the Church have merited theological volleys and anathemas. Yet *Dignitatis Humanae* may rightly be identified as the locus for this protest and in the first instance can be understood as such, *viz.* A plea for freedom of worship in socialist countries which didn't mention 'communism' in case it made things worse for already persecuted Catholics in the Eastern Bloc and Indo-China.

Meanwhile in the so-called 'free world' there were other developments. The ideal model of religious-political relationship which for so long had been that of Spain was now under review. Under the influence of John Courtney Murray and the American hierarchy, the liberalising voice of the U.S.A. was strongly articulate at the Council. Forced to field questions of loyalty to Rome or Washington, its first Catholic president, John F Kennedy anticipated – perhaps even 'underwent' - some of the debates of *Dignitatis Humanae* during his election campaign (cf. Fazzio, 2011:90). The North American Church was thriving within a constitutionally non-committed political matrix, a pattern not so far removed from the more modest reflowering of English Catholicism in a now tolerant Great Britain. Surely this was the model for all?

Politics, however, was not the only issue. *Dignitatis Humane* originally germinated among the Council fathers tasked with ecumenical matters. Christian Unity was a central motive voiced in the original calling of the Council by Pope John XXIII, but the conundrum of reconciling affirmation of *unam, sanctam, catholicam, apostolicam* with affirmation of the merits of the separated brethren demanded squaring a vexatious theological circle. While there was a palpable thawing of relationship with the indubitably apostolic Eastern Orthodox communion (even those who had reached a *modus vivendi* with Communist regimes), according Protestantism equal liberty in proclaiming erroneous teaching was unprecedented and problematic. Yet even the heterodox claims of Lutherans and Calvinist were of a different order of error to the proposals of other religions or the complete indifferentism of agnosticism.

The Document itself

In short order, then, *Diginitatis Humanae* was having to grapple with elemental issues such as divine truth, the freedom of individuals, the purpose of the Church and its relationship with civil authorities, other ecclesial bodies and the phenomenon of global religion. So with what alchemy did *Dignitatis Humanae* manage to blend these elements? Appropriately, the core theological ingredient which the Council fathers used was incarnational. Jesus definitely saves the day since He confirms the intrinsic dignity of the human person – God in the image of Man. Humanity, which from the beginning enjoys the divine conferral of free will, is called to serve the Lord. It is precisely by consciously seeking the truth in the context of a properly balanced arbitration of ecclesiastical and civic authority, that every human being is free to fulfil their ultimate destiny.

In tones readily associated with many of the Council documents, the text (see Flannery 1995: 551-568) is biblical, high minded and optimistic, evoking the storied 'Spirit of Vatican II'. The first section asserts that 'A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man' there has been a 'rise in sense of Civil liberties and the human spirit' and the Church is custodian of the truth that all seek which 'cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power' #1.

The document continues with what Pavan (1969:64) identifies as the most central article: 'This Vatican Council declares that the human person has a right to religious freedom' #2. Divine Law is essential truth which must be discovered through communal quest and personal assent. Conscience is important, but Government should help, it should not hinder the process #3. Religious communities have inalienable rights to worship, as does the family #4 & 5. Common welfare demands safeguarding of religion but religious expression is subject to societal norms #6 & 7. Rightly understood, freedom leads not to anarchy but communal duty #8. The paragraph on the relationship between revelation and freedom has some hesitancy in it, but culminates in a strong assertion that 'religious freedom in civil society is entirely consonant' with the major tenet of Catholic doctrine 'that man's response to God in faith must be free' #9 & 10.

The document goes on to cite the manner in which Jesus and the Apostles evangelised by invitation and by witness of life (#11), before voicing something of an apology for times when that example was not followed: *In the life of the People of God, as it has made its pilgrim way through the vicissitudes of human history, there has at times appeared a way of acting that was hardly in accord with the spirit of the Gospel or even opposed to it. Nevertheless, the doctrine of the Church that no one is to be coerced into faith has always stood firm* #12. With this caveat, the document reasserts the spiritual authority of Church which is God given, and empowers her with a right and duty to inform the conscience of the faithful (#13 & #14). The declaration then ends by making a plea against the unnamed 'forms of government,' that, by their actions, make religious expression dangerous. The Church instead 'greets with joy' the constitutional protection of free profession of religion in private and in public 'as one of the signs of the times', an incipient sign of destiny, the 'glorious freedom of the sons of God' (#15).

So why did such an ostensibly positive document remain controversial? For some it was a classic case of Catholic Scripture-Tradition-Magisterium in action. For others, this was not an accurate biblical, ecclesial or pontifical picture at all, more a case of global episcopal amnesia, an Orwellian newspeak for indifferentism. Given the intensity of the debate, what follows is an attempt to avoid falling for a classic polemicized 'cops and robbers' view of the Council (choose your own baddies and goodies). I would prefer to recontextualize the question in the light of two strong currents which flow through the river of faith and may be identified as 'fear of freedom' and 'freedom from fear', concluding with some thoughts on more contemporary viewpoints, including some accents from John Paul II and Benedict XVI. Ultimately, the right to be right must include the right to be wrong.

Biblical perspectives on Religious Liberty

There no need to dig very far into the Scriptures to find evidence that liberty can be problematic. The poem of the Fall is a deliberate ancient *commedia* which mirrors our stupidity back to ourselves. In attempt to be more like God, we lose communion with him and each other (Gen 3:1-24). Within a few verses the serenity of Eden is lost in the welter of violence which sees fratricide as the first murder and within a generation sees seventy-seven times vengeance promised by Lamech (Gen 4:1-16 & 24). Even the universal covenant which follows the de-creation effected by God in the Flood and signed by the rainbow is immediately compromised by language confusion (Gen 11:1-9). It is at this point that the Scriptures take a turn of immense significance. From Genesis 12 onwards, the proposal seems to be that God will deal with all of humanity through the agency of a particular individual, a particular tribe – that of Abraham.

Such specificity may be attractive, an intimate particular relationship with the acknowledged father figure of Jewish, Christian and Muslim Faiths, but it also provides the covenantal reference point for the historical books which subsequently betray all the temptations of religious and tribal conviction. To maintain the purity of the covenant, a range of dubious behaviour is tolerated, including Herem – 'The Ban.' The Deuteronomic tradition which may well have straddled the Exile in Babylon affirms the importance of the prophetic, kingly and priestly roles in maintaining the purity of covenant. Whether we consider Moses or Elijah, Joshua or Josiah, Aaron or Ezra, the task is clear – keep the message pure, keep the people pure, keep the cult pure. To read a text like Ezra 9-10, is to read a passage about ethnic cleansing, as families are deliberately broken up for religious reasons. All this is justified on the grounds that being right with God is more important than anything else (Ez 9:15).

While this stance is somewhat destablized by Jesus, it takes a rather disingenuous reading of the New Testament evidence to make all the claims to exclusivity disappear. To take but one example, even Paul in his famous rallying cry of Galatians 3:28, 'In Christ there is neither Jew nor Greek, woman nor man, slave nor free' seems a little less liberating as his argument culminates in the claim that those wedded to Torah observance are therefore not true followers of Abraham and not therefore inheritors of the

promises of God (Gal 3:29). By the time we read the Book of Revelation, there is little doubt that the picture painted is not of a global wave of welcome to the many, it is a picture of the New Israel as exclusivist as the Old, but based on faith not bloodlines The acid test changes, but now it is better not to be born than to reject Jesus (Rev 19:20 cf. Matt 26:24).

Yet set against this selection, a different reading of the biblical testimony would precisely emphasize that the designation of Genesis 1:26 endows humanity with the dignity of God-like choice and the Eden story affirms that, from the beginning, humanity has had the 'right' to choose 'wrong' (Gen 3:11b). Even within the constraints of the commandments, the injunction in Exodus 20:1 forbidding the imaging of God precisely safeguards the divine paradox of being eventually imaged most fully in humanity. Alongside the exclusivist tradition present in the historical books is the almost contradictory identification of Cyrus as *Messiah* – an anointed instrument of God (Isaiah 45:1).

In this reading of the Scriptures, orthodoxy is less significant (it would appear) than orthopraxis, foreigners can play lead roles and even colonial oppressors be the best witnesses to faith (Matt 8:10). It may be hard to cohere all the story-puzzle hints that Jesus drops regarding the nature of the Kingdom of God which is accessible only through Parables (Matt 13:10-17), but understanding it as a stateless vocation rather than geographical location could not have been driven home more clearly than by the Fall of Jerusalem in 70 CE. 'Restoring the Kingdom to Israel' was not a priority for the Ascending Jesus – a different more inclusive task seemed to be at hand (cf. Acts 1:7 & 8)! If that were not enough, the repeated injunctions to love even the least likely of the brethren in Matt 25: 31-46, the visible rather than the invisible in 1 John 4:13-21 and the invitation to one and all implicit in Acts 17:28 seems as compelling as the exclusivist reading: 'For in him we live and move and have our being . . . for we too are all God's children.'

In short, (and maybe this is another case of stating the obvious), the biblical evidence flows in both directions - freedom seems a mixed blessing, specific covenant belonging is vital but the argument in favour of controlling anyone, any place or anything by prophetic, political or religious means, is inconclusive.

Ecclesial Perspectives on Religious Liberty

So why did the Church come to buy into the idea? Partly, this is explicable from the nature of vocational charism and the expectation of societal order (cf. Rom 12:6-8 and 13:1-7). If the biblical prophet, the biblical king and the biblical priest all strive might and main to inspire, command and ritualise an obstinate Twelve tribes, then Christian thinkers, rulers and bishops should surely have the same task? Understandably, in the early years, this appears to have been less structured. A palpable 'End time' context of *kerygmatic* preaching, the enigmatic 'already and not yet' of the Kingdom (cf. Matt 13:24-30 & 1 Cor 13:12) and a series of intermittent but bloody persecutions meant belonging was experienced as more important than life and death. However, Christians did not enjoy full religious liberty and endured three hundred years of vulnerability before the conversion of the Emperor Constantine.

Though now regarded as something of a mixed blessing rather than the hand of God's good providence, the Constantinian settlement birthed Christendom's entwined religio-political identity for over a thousand years. In 1302 it enabled Boniface VIII in *Unam Sanctam* to declare the whole world to be under two swords, the spiritual and the temporal, but both were ultimately under his authority. Even as nation states began to emerge from the feudal matrices of the Middle Ages and assert their independence from Rome, religious identity remained a key feature. The Spanish experience on the one hand and the Reformation convulsions of England and Germany led to an identification of religion and state that governed the shape of European polity for centuries. Famously summed up at Augsburg in 1555, and reaffirmed at the Treaty of Westphalia that ended the Thirty Years War in1648, the conclusion

was *cujus regio eius religio* – 'The ruler's land, the ruler's religion.' The Anglicans were right. The citizens *de facto* belonged to the King before they belonged to God.

Yet again, this view must be contrasted with the seam of contrasting metal. For all the passion of the first followers of the Way, there seemed to be a variety of understandings of ritual and creedal belief in the Early Church which later generations would regard as somewhat heterodox (cf. *Didache* 10:7 and *Hermas* 12). The theological problem of the *massa damnata* and the unbaptized innocent were considered and one would have to say ameliorated at their extreme by the resilient tradition of the 'baptism of desire' and the theorized existence of Limbo. While the latter has only recently suffered a kind of pontifical closure programme (April 20th, 2007), the former was a feature of classical Augustinian and Thomist thinking (ST III q.66 art.11). It was given traction by Pius IX in 1854, *Singulari Quadam* and also by Pius XII in the condemnation meted out upon Fr Feeney for his exclusivist views in 1949. Moreover, it is not a work of genius to parallel the Declaration's emphasis upon conscientious seeking of the truth with themes characteristic of Rahner's 'anonymous Christianity.'

Nevertheless, as noted above, an undeniable feature of pre-Conciliar thinking stretching back to the French Revolution was a deep suspicion of 'progressive' ideas. Now while quotations from *Mirari Vos* and the *Syllabus of Errors* lambasting various novelties can be trotted out as curiosos from an ancient mindset, the pre-Conciliar Church can hardly be criticized for not taking the polyvalent question of religious liberty seriously, even though it is sometimes parodied for the conclusions it emphasized. The force of the arguments can sometimes be lost on those of us steeped long in the tolerance marinade of recent decades. However, the subtlety of the question is brought out well by John Courtney Murray in an article written a decade before *Dignitatis Humanae.* Defending what is characterized as the 'conservative' tradition, he points out that regarding religious liberty:

> The imagination of the Enlightenment, especially as kindled by Rousseau, had been captured by the bright and brittle dream of the Ideal Republic. The dominant myth was captured by Carl Becker in one of his most witty, and more exact, phrases, that "men would cease to do evil if no one tried to compel them to be good." The complementary myth was that individual men would somehow infallibly reach the truth provided nobody tried to tell them what the truth is. Therefore—so ran the conclusion—let there be an end to all authority; let freedom be unconfined, except by such free agreements as men might make among themselves. Out of this untrammelled freedom will come order, a perfect order of virtue, happiness, and unceasing progress (Courtney Murray, 1954:5-6)

It was this sort of nonsense that Leo XIII and other popes were contending against - with good reason. Strong polarities relating to religious liberty had run through the entire stretch of salvation history, and it should hardly be surprising that there were long and passionate debates on these matters at the Council.

Foreground: Religious Liberty in Contemporary Context

Withal, perhaps the central issue regarding *Dignitatis Humanae* was that it was a product of a more general 'modestification' of the Church. Radicalized by enormous shifts in political power, the Church in the 'lower' place began to read Gospel differently – from below, rather than above. It can also be considered the 'coda' to *Pacem in Terris* of 1962 - the new global context and the call for the Church to be a sign of peace. Worth noting, however, is that the appeal for religious liberty in *Dignitatis Humanae* is more rooted in individual freedom rather than in self-realization of community, and Romans 14:12 – 'each will give an account of himself' allows for an eschatological rather than practical justification for the sovereignty of conscience. In *Dignitatis Humanae,* the Church retains its claim to be custodian of truth – but a bit like the use of 'subsists' in *Lumen Gentium* #8 and *Unitatis Redintegratio* #4 – it softens its force

Likewise the Christological argument has the flavour of *kenosis*. Truth is humble, it extends its dominion through love, and the generic Vatican II reappraisal of theological anthropology is evident in the following:

> Thus the leaven of the Gospel has long been about its quiet work in the minds of men, and to it is due in great measure the fact that in the course of time, men have come more widely to recognize their dignity as persons, and the conviction has grown stronger that the person in society is to be kept free from all manner of coercion in matters religious *DH* #12.

Whatever the risks of mistaken thinking and problematic moral activity, the conclusion of the Council Fathers was that error may have no intrinsic rights, but erroneous people do.

So much for the nice stuff. As noted above, *Dignitatis Humanae* proved controversial. It was at the heart of Archbishop Marcel Lefebvre's discomfiture and his sectarian movement eventually became outright schism. It seems wrong to blame John Paul II for this but I will. As Archbishop of Cracow, Karol Wojtyla was present at Vatican II and regarded *Dignitatis Humanae* 'as being at the heart of the Conciliar event' (Buttiglione, 1997:177). Although less evident in later years, in *John Paul and the Legacy of 'Dignitatis Humanae'* Rico asserts that 'The advocacy of the civil right to religious freedom by John Paul II was relentless during the first part of his pontificate.' Wojtyla was a prolific writer, but arguably at root he remained a theatrical theologian. Early in his theological career he squared the circle of truth, religious liberty and personal freedom in his imaginative 1960 drama, *The Jewellers' Shop*. The lovers, the spouses, together and apart are all called the moment of dignifying choice. This decisiveness is also seen in his reflection on the moral life, *Veritatis Splendor* of 1993 which centres on the drama of the Rich Young Man, called to perfection.

Into the mix, however, John Paul II was also able by force of personality to say and do some (in retrospect) amazing things which brought out the worst fears of theologians like Lefebvre. The most striking perhaps was the gathering of religious leaders at Assisi in 1986, where non-Christian worship was allowed in the Churches of the famous hill-town. For Lefebvre, this prompted the classic question: Is the Pope a Catholic?

> Rome has asked us if we have the intention of proclaiming our rupture with the Vatican on the occasion of the Congress of Assisi. We think that the question should rather be the following: Do you believe and do you have the intention of proclaiming that the Congress of Assisi consummates the rupture of the Roman authorities with the Catholic Church? For this is the question which preoccupies those who still remain Catholic (Lefebvre, 1986).

Perhaps because he had seen at close quarters the horrors of mid-century anti-Semitism, John Paul also referred to Jews as 'our elder brothers' and time and again, eschewed 'supersessionist' denigration of the Torah in the light of the New Testament (Tower, M, 2010). Such gestures, which could be taken to imply equivalence, or at least a de-emphasis of the saving power of Catholic truth, could be more than justified as a localized expression of *Dignitatis Humanae* presided over by a Father of the Council. It was too much for Lefebvre who could justifiably claim to have anticipated such fearful occurrences long before. His *Buenos Aires Declaration*, co-signed by Bishop Antonio Castro de Mayer continues:

> The high point of this rupture with the previous Magisterium of the Church took place at Assisi, after the visit to the synagogue. The public sin against the one, true God, against the Incarnate Word, and His Church, makes us shudder with horror. John Paul II encourages the false

> religions to pray to their false gods—an immeasurable, unprecedented scandal. (Lefebvre, 1986)

In the course of time, however, the movement was reconciled in the pontificate of Benedict XVI who at one level, could not have been more of a contrast to John Paul II. A less theatrical man has rarely entered St. Peter's, still less donned the tiara. Benedict's well known project was to seek a 'hermeneutic of continuity' to avoid de-coupling the Church from its pre-Conciliar heritage, in order to harness freedom, conscience and abiding truth. The Hermeneutic of Continuity also avoids 'Year Zero' misappropriations of the Council which, as Prefect of the Congregation of Doctrine and Faith, Josef Ratzinger had long been critical (see Messori, 1985). Together this has implied a somewhat more constrained reading of *Dignitatis Humanae* which Massimo Faggioli (2012) would characterize as the 'Augustinian pessimism' of a Conciliar expert in contrast to the 'Thomistic optimism' of a Conciliar Father (John Paul II). How far this distinction can be pushed is a moot point, but where Wojtyla has the drama of free choice at the centre of his thinking, Ratzinger lays somewhat less emphasis on the autonomy of conscience, but much more on the moral truth of reason. This subtle shift serves to objectify the moral discourse at one remove from the individual, and importantly, one remove from contemporary political correctness. In tones reminiscent of Leo XIII, he remarked at Subiaco in 2005: 'A confused ideology of freedom leads to a dogmatism that turns out to be - more and more – hostile to freedom' (Ratzinger, 2010:129)

What both pontiffs have had to wrestle with is the widespread collapse of Catholic practice, perhaps partly explicable by loose understandings of *Dignitatis Humanae.* Recently, a curate mentioned an interesting exchange between himself and his niece. Though unmarried, she had given birth and was anxious to have her baby baptized. Her uncle challenged her gently – 'Claire, you don't practice your faith, your boyfriend is a non-believer and you've said you've no intention of coming to Church on Sundays – don't you think this would all be a bit inappropriate?' 'Oh no,' she replied, 'Uncle Paul you always said that every child is cherished by God and no matter what I say think or do, God won't hold that against my baby and I just want one moment, at the start of his little life, to gather in Church with all the family and people who care for us to ask God's blessing on him.' As the priest remarked: 'Anthony. We've taught an entire generation that God loves them, and they've gone and believed us!'

Is this *Dignitatis Humanae* at street level? Freedom to practice must be exactly that, a freedom - not a compulsory fire insurance. For the moment an ideal is imposed, even one as beautiful as Eucharistic communion, it becomes a slavery. The adventure of love in God has to be freely entered to be fully alive. Life is ennobled by the search for truth, but it carries risk – we could fail. Can we cope with this? Can God cope? And as Kundera muses in the *Unbearable Lightness of Being,* since there is only one chance, can anyone be condemned for getting 'life' wrong?

Conclusion: Small is Beautiful?

Enough of these ponderings. *Dignitatis Humanae* could easily go unnoticed in a Hit Parade of Vatican documents. It is tiny compared to the *tour de force* that is *Gaudium et Spes,* yet it may be argued that its brevity belies its centrality. Just as *Unitatis Redintegratio* (the Decree on Ecumenism) doesn't quite make sense without *Dignitatis Humanae,* so *Nostra Aetate* (Decree on Non-Christian Religions) owes a similar debt to its fundamental principles. *Dignitatis Humanae* touches upon revelation, the importance of truth, what the Church is for and the freedom of individuals to act, write and even think. It touches on faith and politics, and faith in politics. It touches on social, religious and national identity. It touches on the importance of baptismal belonging and eternal salvation. It touches on freedom and autonomy, obedience and conformity. It touches on the preternatural question of whether human beings in the image of God have the right to deny the fact and act accordingly. Ultimately that is why it is important:

Do we have the right to be wrong? *In fine*, the document offers a compass rather than a map or a 'sat nav' – it points to Jesus as the exemplar, the free yet obedient Son of God. If the entire plot of Scripture from the Garden of Eden to the New Jerusalem can be summed up as *the perennial drama of the gifted individual learning to choose the good*, (Towey, 2013:31), then *Dignitatis Humanae* defends the stage for that to be played out without either Church of Government dictating the plot, leaving the actors young or old, free to find their own voice.

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